



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAY 23 2002

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

Daniel A. Thomson
One Cascade Plaza
Fourteenth Floor
Akron, Ohio 44333-1343

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
www.uspto.gov

Paper No. 5

In re Application of: James Savage et al.)	
Application No. 09/736,032)	
Filed: December 13, 2000)	
For: SOFTWARE, APPARATUS, AND)	DECISION ON PETITION TO
METHOD FOR HAND-HELD)	MAKE SPECIAL UNDER
ELECTRONIC DEVICES AND)	M.P.E.P. §708.02(II):
ADVERTISING THEREON)	INFRINGEMENT

This is a decision on the petition, filed March 21, 2002, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.117(h) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant ***must provide*** one copy of each of the ***references deemed most closely related*** to the subject matter encompassed by the claims.

Applicant's submission is deficient because no references have been submitted. Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160